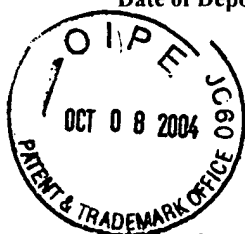


13
mp
11/4/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gullans *et al.*
SERIAL NUMBER: 10/052,691 EXAMINER: Jennifer M. Kim
FILING DATE: January 18, 2002 ART UNIT: 1617
FOR: METHODS OF TREATING NEUROLOGICAL DISORDERS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 8, 2004
Boston, Massachusetts

**PETITION UNDER 37 C.F.R. § 1.181 FOR WITHDRAWAL OF HOLDING
OF ABANDONMENT**

1. Applicants request that the abandonment set forth in the Notice of Abandonment, mailed by the U.S. Patent and Trademark Office on October 4, 2004, be withdrawn.
2. Applicants submit that the Notice of Abandonment for failure to timely file a proper reply to the Office Letter mailed September 10, 2003 was sent in error. Applicants sent a response to the September 10, 2003 Office Action on March 10, 2004. Because the time for response had not expired, Applicants filed a timely response.
3. Submitted herewith is:
 - 3.1 a copy of the Amendment and Response to the September 10, 2003 Office Action (3 pgs.) (Tab 1);
 - 3.2 a copy of the Petition for Extension of Time filed on March 10, 2003 in the above identified application (1 pg.) (Tab 2);
 - 3.3 a copy of the October 4, 2004 Notice of Abandonment stating that Applicants failed to timely file a proper reply to the Office Letter mailed September 10, 2003 (3 pgs.) (Tab 3);
 - 3.4 a copy of the Express Mail Label mailed with Applicant's timely response, including the stamp indicating a date of mailing of March 10, 2004 (Tab 4); and

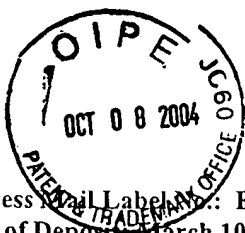
- 3.5 a copy of the Return Postcard mailed with Applicant's timely response, including the USPTO stamp indicating a date of receipt of March 10, 2004 (Tab 5).
4. Accordingly, Applicants respectfully submit that the October 4, 2004 Notice of Abandonment was sent in error, and request that the abandonment be withdrawn.
5. No fee for this request is believed to be due. Should any additional fee be due, the Commissioner is hereby authorized to charge same, or credit any overpayment, to Deposit Account No. 50-0311 (Reference 23254-501). A duplicate copy of this request is enclosed.
6. Applicants request that acknowledgment be made of the active status of this application. The Examiner is invited to contact the undersigned with any questions at the telephone number listed below.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529
Cynthia A. Kozakiewicz, Reg. No. 42,764
Attorneys for Applicants
c/o MINTZ, LEVIN
Tel: (617) 542-6000
Fax: (617) 542-2241

Customer No. 30623



Express Mail Label No.: EV312716666US
Date of Deposit: March 10, 2004

OCT 18 2004

TECH CENTER 1600/2800

Attorney Docket No. 18989-016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gullans et al.
Serial No.: 10/052,691 Examiner: Jennifer M. Kim
Filing Date: January 18, 2002 Art Unit: 1617
For: Methods of Treating Neurological Disorders

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

This paper is in response to the September 10, 2003 Office Action. A response is due on or before March 10, 2004 with at three-month extension of time. A petition for extension of time is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18989-016.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

Amendments to the Claims

1. (Currently Amended) A method of inhibiting death of a neuronal cell in a mammal, comprising administering to said mammal a composition comprising ~~a steroid compound~~ a (17 α)-17-Hydroxy-19-norpregn-4-en-20-yn-3-one and 17a-(acetyloxy)-6-methylpregna-4,6-diene-3,20-dione compound wherein said composition is administered at a dose sufficient to inhibit oxidative stress-induced neuronal cell death or inhibit apoptotic death of said neuronal cell.
- 2.-7. (canceled)
8. (original) The method of claim 1, wherein said mammal is suffering from or at risk of developing a neurodegenerative disorder.
9. (original) The method of claim 8, wherein said neurodegenerative disorder is selected from the group consisting of Amyotrophic Lateral Sclerosis, Alzheimer's disease, Huntington's disease and Parkinson's disease.
10. (original) The method of claim 1, wherein said mammal is suffering from or at risk of developing a neurological disorder.
11. (original) The method of claim 10, wherein said neurological disorder is selected from the group consisting of diabetic neuropathy, cerebral hypoxia, encephalitis and meningitis.
12. (original) The method of claim 1, wherein said mammal is at risk of experiencing a stroke or has suffered a stroke.
- 13.-151. (canceled)

REMARKS

Upon entry of this amendment, claims 1, 8-12 are pending in the instant application. Claim 1 has been amended. Claim 2-7 and 13-151 have been canceled. The present amendments are fully supported by the specification. No new matter has been added.

1. Allowable Subject Matter

The Examiner has acknowledged that claim 5 would be allowable if re-written in independent form including the limitations of the base claim and any intervening claims. Applicants have canceled claims 2-7 and 13-151 and have amended claim 1 to incorporate the all limitations of claims 1-5. Applicants assert that claim 1 as amended is allowable, and as such claims 8-12 which depend therefrom are also allowable.

2. Claim Rejections

The Examiner has rejected claim 1-4, 6-12 under 35 USC 102(b) and 35 USC 103(a). Applicants assert that amendments to the claims as discussed above render these rejections moot and request that these rejections be withdrawn.

CONCLUSION

Applicants believe that the claims, as amended, are in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

Matthew Paray Reg No. 50,572
for: Ivor R. Elrifi, Reg. No. 39,529
Cynthia Kozakiewicz, Reg. No. 42,764

Attorneys for Applicants

Tel: (617) 542-6000

Fax: (617) 542-2241

Customer No. 30623

Dated: March 10, 2004

Express Mail Label No.: EVS 71 066US

Date of Deposit: March 10, 2004

Attorney Docket No. 18989-016

OCT 08 2004

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Gullans et al.

Serial No.:

10/052,691

Examiner:

Jennifer M. Kim

Filing Date:

January 18, 2002

Art Unit:

1617

For:

Methods of Treating Neurological Disorders

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

March 10, 2004

Boston, Massachusetts

OCT 18 2004

TECH CENTER 1600/2900

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), applicant hereby petitions for a three-month extension of time to respond to the September 10, 2003 Office Action in the above-identified application. With the extension, the response is due on before March 10, 2004. A check in the amount of \$475.00, in payment of the fee required by 37 C.F.R. § 1.17(a)(3), is enclosed herewith.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 18989-016. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

Matthew Panno Reg No. 50,572
r: Ivor R. Elrifi, Reg. No. 39,529
Cynthia A. Kozakiewicz, Reg. No. 42,764
Attorneys for Applicants
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623

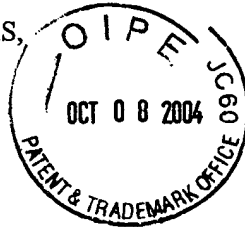


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,691	01/18/2002	Steven R. Gullans	18989-016	3785

7590 10/04/2004
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, MA 02111



EXAMINER

KIM, JENNIFER M

ART UNIT PAPER NUMBER

1617

DATE MAILED: 10/04/2004

12

OCT 18 2004

TECH CENTER 1600/2900

Please find below and/or attached an Office communication concerning this application or proceeding.

<input checked="" type="checkbox"/> Data Entry	Done By
<input checked="" type="checkbox"/> Docket Entry	pm
<input type="checkbox"/> Docket Cross Off	11/4/04
<input type="checkbox"/> Previously Entered	11/4/05
<input type="checkbox"/> No Docketing Req	
<input type="checkbox"/> ELITE	
<input type="checkbox"/> Annuities	

OCT 06 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
TECHNICAL Docketing Unit



OCT 18 2004

Notice of Abandonment

Application No. ~~1000-2000~~

10/052,691

Examiner

Jennifer Kim

Applicant(s)

GULLANS ET AL.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10 September 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Interview Summary	Application No.	Applicant(s)	
	10/052,691	GULLANS ET AL.	
	Examiner	Art Unit	
	Jennifer Kim	1617	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Jennifer Kim. (3) ____.
- (2) Ms. Kozakiewicz. (4) ____.

Date of Interview: 01 October 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: ____.

Claim(s) discussed: Pending Claimd.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner informed the attorney of record Ms. Kozakiewicz that this case is abandoned since no response has been filed to the last Office Action. Ms. Kozakiewicz responded that she has filed the response to the last Office Action in March 10, 2004 and she will file petition to revive.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



OCT 18 2004
TECH CENTER 1600 1990



EV 31271666 US



Customer Copy
Label 11-F June 2002

ORIGIN/POSTAL USE ONLY

PO ZIP: 00000
Date in: 10/10/04
Time in: 2:04 PM
Weight: 3.0 lbs.
No Delivery: ☐
Weekend: ☐
Holiday: ☐
Day of Delivery: ☐ Next ☒ Second
Flat Rate Envelope: ☐
Postage: \$ 13.68
Return Receipt Fee:
COD Fee:
Insurance Fee:
Acceptance Clerk Initials: MW
Total Postage & Fees: \$ 13.68
METHOD OF PAYMENT:
Express Mail Corporate Acct. No.:

DELIVERY (POSTAL USE ONLY)

Delivery Attempt:
Time:
Employee Signature:
Mo: 1 Day:
Delivery Attempt:
Time:
Employee Signature:
Mo: 1 Day:
Delivery Date:
Time:
Employee Signature:
Mo: 1 Day:
Delivery Date:
Time:
Employee Signature:
NO DELIVERY:
Reason:
Additional Information:
Signature:
Date:
Post Office To Addressee

FROM: (PLEASE PRINT)

IVOR B. KINIFT, ESQ.
MINI 2-LEVEL COMM. FERRIS
GLIMMER & POPEO PC
1 FIVE-STAR CTR
BRIDGE
Atty Docket 18989-019 CAR
O16
PA 02111-2621

TO: (PLEASE PRINT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRESS HARD.
You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com





OCT 18 2004

TECH CENTER 1600/2900

Serial No. 10/052,691 File No. 18989-016

By: IRE/CAK

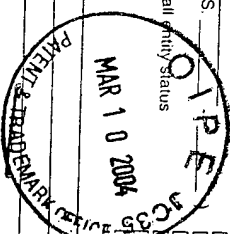
Title: Methods of Treating Neurological Disorders

Application of Gullans et al.

Date: 1/18/02

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- | | |
|---|--|
| <input type="checkbox"/> Req. for CPA under 37 CFR 1.53(d) | <input type="checkbox"/> Provisional Application Cover Sheet |
| <input type="checkbox"/> Change of Attorney's Address | <input type="checkbox"/> Int. Disc. Statement, PTO Form 1449 |
| <input type="checkbox"/> New Power of Attorney | <input type="checkbox"/> References Cited |
| <input type="checkbox"/> Patent Application | <input type="checkbox"/> Copy of Notice to File Missing Parts |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional | <input checked="" type="checkbox"/> Amendment/Response <u>3</u> pgs. <u>1</u> pg |
| Incl. _____ pages, (_____ pgs) Specification, (_____ pgs) Abstract, (_____ pgs) Claims (_____ # claims) | <input checked="" type="checkbox"/> Petition for Ext. of Time (x2) |
| <input type="checkbox"/> Design Patent Application | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Declaration(s) | <input type="checkbox"/> Letter to Official Draftsperson |
| <input type="checkbox"/> Drawings _____ sheet(s) (FIGS. _____) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input checked="" type="checkbox"/> Brief (x3) |
| <input type="checkbox"/> Verified Statement claiming small entity status | <input checked="" type="checkbox"/> Check for Ext. of Time (x2) |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Transmittal Letter (x2) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a) |
- Express Mail Label No. EV312/16666US



DATE MAILED March 10, 2004